
CR 04-042

The Wisconsin Department of Transportation proposes an order to amend TRANS 276.07(7) and (22), relating to allowing the operation of double bottoms and certain other vehicles on certain specified highways.

**REPORT OF THE DEPARTMENT OF TRANSPORTATION
ON THE FINAL RULE DRAFT**

This report is submitted to the presiding officers of the Senate and Assembly for referral to the appropriate standing committees. The report consists of the following parts:

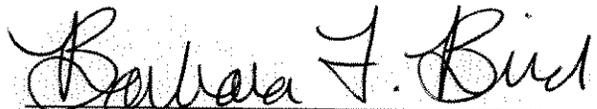
Part 1--Analysis prepared by the Department of Transportation.

Part 2--Rule text in final draft form.

Part 3--Recommendations of the Legislative Council.

Part 4--Analysis prepared pursuant to the provisions of s. 227.19(3), Stats.

Submitted by:



BARBARA F. BIRD
Assistant General Counsel
Office of General Counsel
Department of Transportation
Room 115-B, Hill Farms State
Transportation Building
P. O. Box 7910
Madison, WI 53707-7910
(608) 266-8807

PART 1

Analysis Prepared by the Wisconsin Department of Transportation

STATUTORY AUTHORITY: ss. 85.16(1) and 348.07(4), Stats.

STATUTE INTERPRETED: s. 348.07(4), Stats.

Plain Language Analysis and Summary of, and Preliminary Comparison with, Existing or Proposed Federal Regulation. In the Surface Transportation Assistance Act of 1982 (STAA), the federal government acted under the Commerce clause of the United States Constitution to provide uniform standards on vehicle length applicable in all states. The length provisions of STAA apply to truck tractor-semitrailer combinations and to truck tractor-semitrailer-trailer combinations. (See Jan. 6, 1983, Public Law 97-424, § 411) The uniform standards provide that:

- No state shall impose a limit of less than 48 feet on a semitrailer operating in a truck tractor-semitrailer combination.
- No state shall impose a length limit of less than 28 feet on any semitrailer or trailer operating in a truck tractor-semitrailer-trailer combination.
- No state may limit the length of truck tractors.
- No state shall impose an overall length limitation on commercial vehicles operating in truck tractor-semitrailer or truck tractor-semitrailer-trailer combinations.
- No state shall prohibit operation of truck tractor-semitrailer-trailer combinations.

The State of Wisconsin complied with the federal requirements outlined above by enacting 1983 Wisconsin Act 78 which amended § 348.07(2), Stats., and § 348.08(1), Stats. This act created §§ 348.07(2)(f), (fm), (gm) and 348.08(1)(e) to implement the federal length requirements. In 1986 the legislature created § 348.07(2)(gr), Stats., to add 53 foot semitrailers as part of a two vehicle combination to the types of vehicles that may operate along with STAA authorized vehicles. (See 1985 Wisconsin Act 165)

The vehicles authorized by the STAA may operate on the national system of interstate and defense highways and on those federal aid primary highways designated by regulation of the secretary of the United States Department of Transportation. In 1984 the USDOT adopted 23 CFR Part 658 which in Appendix A lists the highways in each state upon which STAA authorized vehicles may operate. Collectively these highways are known as the National Network. In 1983 Wisconsin Act 78, the legislature enacted § 348.07(4), Stats., which directs the Wisconsin Department of Transportation to adopt a rule designating the highways in Wisconsin on which STAA authorized vehicles may be operated consistent with federal regulations.

The Department of Transportation first adopted ch. Trans 276 of the Wisconsin Administrative Code in December of 1984. The rule is consistent with 23 CFR Part 658 in that the Wisconsin rule designates all of the highways in Wisconsin that are listed in 23 CFR Part 658 as part of the National Network for STAA authorized vehicles. The federal regulation does not prohibit states from allowing operation of STAA authorized vehicles on additional state highways. The rule making authority granted to the Wisconsin

Department of Transportation in § 348.07(4), Stats., allows the DOT to add routes in Wisconsin consistent with public safety. The rule making process also provides a mechanism to review requests from businesses and shipping firms for access to the designated highway system for points of origin and delivery beyond 5 miles from a designated route. A process to review and respond to requests for reasonable access is required by 23 CFR Part 658.

This proposed rule amends Trans 276.07(7) and (22), Wisconsin Administrative Code, to add two segments of highway to the designated highway system established under s. 348.07(4), Stats. The actual highway segments¹ that this proposed rule adds to the designated highway system are:

<u>Hwy.</u>	<u>From</u>	<u>To</u>
STH 139	STH 70	Long Lake
STH 32	Laona	STH 64

The long trucks to which this proposed rule applies are those with 53-foot semitrailers, double bottoms and the vehicles which may legally operate on the federal National Network, but which exceed Wisconsin's regular limits on overall length. Generally, no person may operate any of the following vehicles on Wisconsin's highways without a permit: A single vehicle with an overall length in excess of 40 feet², a combination of vehicles with an overall length in excess of 65 feet, a semitrailer longer than 48 feet, an automobile haulaway longer than 66 feet plus allowed overhangs, or a double bottom. Certain exceptions are provided under s. 348.07(2), Stats., which implements provisions of the federal Surface Transportation Assistance Act in Wisconsin.

The effect of this proposed rule will be to extend the provisions of s. 348.07(2)(f), (fm), (gm) and (gr), and s. 348.08(1)(e), Stats., to the highway segments listed above. As a result, vehicles which may legally operate on the federal National Network in Wisconsin will also be allowed to operate on the newly-designated highways. Specifically, this means there will be no overall length limitation for a tractor-semitrailer combination, a double bottom or an automobile haulaway on the affected highway segments. There also will be no length limitation for a truck tractor or road tractor when operated in a tractor-semitrailer combination or as part of a double bottom or an automobile haulaway. Double bottoms will be allowed to operate on the affected highway segments provided neither trailer is longer than 28 feet, 6 inches. Semitrailers up to 53 feet long may also be operated on these highway segments provided the kingpin to rear axle distance does not exceed 43 feet. This distance is measured from the kingpin to the center of the rear axle

¹ The proposed rule text often achieves these objectives by consolidating individual segments into contiguous segments with new end points. In order to determine the actual highway segment added, it is necessary to compare the combined old designations with the combined new designation.

² 45-foot buses are allowed on the National Network and Interstate system by Federal law. Section 4006(b) of the Intermodal Surface Transportation Efficiency Act of 1991.

or, if the semitrailer has a tandem axle, to a point midway between the first and last axles of the tandem. Otherwise, semitrailers, including semitrailers which are part of an automobile haulaway, are limited to 48 feet in length.

These vehicles and combinations are also allowed to operate on undesignated highways for a distance of 5 miles or less from the designated highway in order to reach fuel, food, maintenance, repair, rest, staging, terminal or vehicle assembly or points of loading or unloading.

Fiscal Impact. The Department estimates that there will be no fiscal impact on the liabilities or revenues of any county, city, village, town, school district, vocational, technical and adult education district, sewerage district, or federally-recognized tribes or bands. The Department estimates that there will be no fiscal impact on state or private sector revenues or liabilities.

Copies of Rule and Contact Person. Copies of this proposed rule are available without cost upon request to the office of the State Traffic Engineer, P. O. Box 7986, Room 501, Madison, Wisconsin, 53707-7986, telephone (608) 266-1273, or via e-mail: ogc.exec@dot.state.wi.us. For questions about this rule making, please call Ashwani Sharma, Traffic Operations Engineer at (608) 266-1273. Alternate formats of the proposed rule will be provided to individuals at their request.

PART 2
TEXT OF PROPOSED RULE

SECTION 1. Trans 276.07(7) and (22) are amended to read:

	<u>Route</u>	<u>From</u>	<u>To</u>
Trans 276.07(7)	STH 30	USH 151 in Madison	IH 90-94 E. of Madison
	STH 31	Illinois Line	STH 20 in Racine
	STH 32	IH 43 in River Hills	IH 43 E. of Grafton
	STH 32	IH 43 N. of Port Washington	STH 28 S. of Sheboygan Falls
	STH 32	STH 23 N. of Sheboygan Falls	STH 57 in De Pere
	STH 32	USH 41 N. of De Pere	STH 64 S. of Mountain
	STH 32	USH 8 in Laona	STH 55 in Crandon
	STH 32	USH 45 in Three Lakes	MI Line in Land O'Lakes

	STH 33	STH 80 W. of Hillsboro	STH 32 in Port Washington
	STH 34	STH 13 in Wisconsin Rapids	USH 51 N.E. of Knowlton
(22)	STH 131	USH 14-61 at Readstown	STH 56 at Viola
	STH 131	STH 71 in Wilton	IH 90 S. of Tomah
	STH 133	USH 61 in Boscobel	USH 14 N. of Lone Rock
	STH 138	STH 14 in Oregon	USH 51 W. of Stoughton
	STH 139	USH 8 N. of Cavour	Long Lake <u>MI Line</u>

(END OF RULE TEXT)

Effective Date. This rule shall take effect on the first day of the month following publication in the Wisconsin Administrative Register as provided in s. 227.22(2)(intro.), Stats.

Signed at Madison, Wisconsin, this 10th day of June, 2004.


 FRANK J. BUSALACCHI
 Secretary
 Wisconsin Department of Transportation



**WISCONSIN LEGISLATIVE COUNCIL
RULES CLEARINGHOUSE**

Ronald Sklansky
Clearinghouse Director

Richard Sweet
Clearinghouse Assistant Director

Terry C. Anderson
Legislative Council Director

Laura D. Rose
Legislative Council Deputy Director

**PART 3
CLEARINGHOUSE REPORT TO AGENCY**

[THIS REPORT HAS BEEN PREPARED PURSUANT TO S. 227.15, STATS. THIS IS A REPORT ON A RULE AS ORIGINALLY PROPOSED BY THE AGENCY; THE REPORT MAY NOT REFLECT THE FINAL CONTENT OF THE RULE IN FINAL DRAFT FORM AS IT WILL BE SUBMITTED TO THE LEGISLATURE. THIS REPORT CONSTITUTES A REVIEW OF, BUT NOT APPROVAL OR DISAPPROVAL OF, THE SUBSTANTIVE CONTENT AND TECHNICAL ACCURACY OF THE RULE.]

CLEARINGHOUSE RULE 04-042

AN ORDER to amend Trans 276.07 (7) and (22), relating to allowing the operation of double bottoms and certain other vehicles on certain specified highways.

Submitted by **DEPARTMENT OF TRANSPORTATION**

05-03-2004 RECEIVED BY LEGISLATIVE COUNCIL.

05-20-2004 REPORT SENT TO AGENCY.

RNS:WF

LEGISLATIVE COUNCIL RULES CLEARINGHOUSE REPORT

This rule has been reviewed by the Rules Clearinghouse. Based on that review, comments are reported as noted below:

1. STATUTORY AUTHORITY [s. 227.15 (2) (a)]
Comment Attached YES NO
2. FORM, STYLE AND PLACEMENT IN ADMINISTRATIVE CODE [s. 227.15 (2) (c)]
Comment Attached YES NO
3. CONFLICT WITH OR DUPLICATION OF EXISTING RULES [s. 227.15 (2) (d)]
Comment Attached YES NO
4. ADEQUACY OF REFERENCES TO RELATED STATUTES, RULES AND FORMS [s. 227.15 (2) (e)]
Comment Attached YES NO
5. CLARITY, GRAMMAR, PUNCTUATION AND USE OF PLAIN LANGUAGE [s. 227.15 (2) (f)]
Comment Attached YES NO
6. POTENTIAL CONFLICTS WITH, AND COMPARABILITY TO, RELATED FEDERAL REGULATIONS [s. 227.15 (2) (g)]
Comment Attached YES NO
7. COMPLIANCE WITH PERMIT ACTION DEADLINE REQUIREMENTS [s. 227.15 (2) (h)]
Comment Attached YES NO

PART 4
CR 04-042

ANALYSIS OF FINAL DRAFT OF TRANS 276

(a) **Basis and Purpose of Rule.** Federal law requires the Department of Transportation to react within 90 days to requests for changes to the long truck route network. Wisconsin state law requires that the Department use the administrative rule process to make changes to the long truck route network. Chapter Trans 276 is the existing rule designating the long truck network. The Department has received a request from Jack McCraw of Long Lake, WI, to add two highway segments.

In determining to designate the highway segment identified in Part 1 of this Final Draft Report, the Department has considered the factors of safety, economics, energy savings, industry productivity and competition as required by s. 348.07(4), Stats. The above factors were found to justify the designation of the following highway segments:

<u>Hwy.</u>	<u>From</u>	<u>To</u>
STH 139	STH 70	Long Lake
STH 32	Laona	STH 64

The Department's investigation showed the following summary findings:

The Department's District 3 office in Green Bay states: "STH 32 from the north Oconto County line to STH 64 is within District 3. From a roadway geometry standpoint, I see nothing that would prohibit 53' trailers and double bottoms from using the route."

The Department's District 7 office in Rhinelander states: "The district has field reviewed the proposed long truck routes STH 32 in Forest County and STH 139 in Florence County. The district cannot find any compelling reason these should not be long truck routes. It should be noted that both proposed routes do go through the Towns of Carter and Wabeno on STH 32 and a portion of the Town of Long Lake on STH 139. Furthermore, I have made contacts with the respective County Highway commissioners and they have no negative response to the proposed long truck routes."

(b) **Modifications as a Result of Testimony at Public Hearing.** The public hearing was held in Green Bay on June 1, 2004. No modifications were made as a result of testimony at the hearing.

(c) **List of Persons who Appeared or Registered at Public Hearing.** The following persons appeared/registered at the hearing:

Jack McCraw, Office Manager, Pine River Lbr., P. O. Box 92, Long Lake, WI 54142. Mr. McCraw spoke in favor of the rule.

Marlene Novak, Secretary, Novak Trucking Service, RR 1, P. O. Box 5626, Laona, WI 54541. Ms. Novak spoke in favor of the rule.

(d) **Summary of Public Comments and Agency Response to those Comments:** The written comment period was held open until close of business June 1, 2004, for persons not able to attend the hearing. Written comments were received from the following persons:

Representative Lorraine M. Seratti, 36th Assembly District—Rep. Seratti is in favor of the proposed rule. Without designation of these routes, drivers will go up to 67 miles out of their way to reach their destinations. Additional mileage will add a significant expense to the cost of each trip given the soaring fuel prices. Also, due to hours of service regulations, time is also a factor and drivers would needlessly drive at least an additional hour each way to and from Novak's terminal.

Pat Scanlan, Oconto County Highway Commissioner (via e-mail)—Mr. Scanlan sees no problem with designation of these routes.

Richard P. Leffler, Florence County Highway Commissioner, 5471 CTH "N", Florence, WI 54121—Mr. Leffler sees no problem with the highway designations.

(e) **Explanation of any Changes Made to the Plain Language Analysis or Fiscal Estimate:** No changes made.

(f) **Response to Legislative Council Recommendations.** The Legislative Council report contained no recommendations to the proposed rule.

(g) **Final Regulatory Flexibility Analysis.** The provisions of this proposed rule adding highway segments to the designated system have no direct adverse effect on small businesses, and may have a favorable effect on those small businesses which are shippers or carriers using the newly-designated routes.



Wisconsin Department of Transportation

www.dot.wisconsin.gov

Jim Doyle
Governor

Frank J. Busalacchi
Secretary

Office of General Counsel
4802 Sheboygan Ave., Rm. 115B
P O Box 7910
Madison, WI 53707-7910

Telephone: 608-266-8810
FAX: 608-267-6734
E-mail: ogc.exec@dot.state.wi.us

The Honorable Alan Lasee
President, Wisconsin State Senate
Room 220 South, State Capitol
Madison, Wisconsin 53707

June 11, 2004

The Honorable John Gard
Speaker, Wisconsin State Assembly
Room 211 West, State Capitol
Madison, Wisconsin 53707

RE: Proposed Administrative Rule **TRANS 276**
Notification of Legislative Standing Committees
CLEARINGHOUSE RULE 04-042

Gentlemen:

Enclosed is a copy of Clearinghouse Rule **04-042**, relating to **allowing the operation of double bottoms and certain other vehicles on certain specified highways**. The rule is submitted to you for referral to the appropriate standing committees.

Sincerely,

A handwritten signature in cursive script that reads "Julie A. Johnson".

Julie A. Johnson
Paralegal

JAJ/dim

Enclosure

cc: Gary Poulson/Senator Joseph Leibham/Representative Glenn Grothman/
Ashwani Sharma

Lindstedt, Daniel

From: Lindstedt, Daniel
Sent: Monday, June 21, 2004 4:33 PM
To: Kedzie, Neal; Leibham, Joseph; Meyer, Mark; Sen.Breske; Sen.Breske; Sen.Kanavas; Sen.Kedzie; Sen.Leibham; Sen.Meyer
Cc: Boardman, Kristina; Flynn, John; Lawrence, Minette; Rep.Ainsworth; Rep.Petrowski; Rep.Townsend; Scott, Katie; Lovell, David; Salm, Don; Bruce, Cory; Heiting, Rebecca; Lindstedt, Daniel; Meinholz, Susan; Natzke, Ryan; Phillips, Matt; Piliouras, Elizabeth; Prange, Katy; Shepherd, Jeremy; Vogel, Brad
Subject: Senate Committee on Transportation and Information Infrastructure: Receipt of Rule 04-042
Importance: High

PLEASE OPEN THE ATTACHED WORD DOCUMENT TO REVIEW THE NOTICE FOR RECEIPT OF: CLEARINGHOUSE RULE 04-042 (CR 04-042).

HARD COPIES WILL NOT BE DISTRIBUTED.



CR 04-042 notice,
DKL, 06.21.0...

Daniel Lindstedt

*Clerk, Senate Committee on Transportation and
Information Infrastructure*

Office of State Senator Joe Leibham

*State Capitol, Room 409 South
Madison, WI 53707-7882*

(608) 266-2056 (o)

(608) 282-3549 (f)

www.legis.state.wi.us/senate/sen09/news/index.htm

MEMORANDUM

DATE: Monday, June 21, 2004

TO: Honorable Members of the Senate Committee on Transportation and Information Infrastructure

FROM: Senator Joe Leibham, Chair
Senate Committee on Transportation and Information Infrastructure

RE: Receipt of Clearinghouse Rule

The following Clearinghouse Rule was referred to the Senate Committee on Transportation and Infrastructure on **June 16, 2004**:

Clearinghouse Rule 04-042 (CR 04-042) relating to allowing the operation of double bottoms and certain other vehicles on certain specified highways.

THE DEADLINE FOR ACTION ON THIS RULE IS: Friday, July 16, 2004.

Attached is a copy of CR 04-042 in .pdf format. Hard copies are available from the Committee Clerk, upon request.



CR 04-042, DKL,
06.17.04.pdf